

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

LACEY G.

Plaintiff,

vs.,

COMMISSIONER SOCIAL  
SECURITY,  
Defendant.

Civil No. 3:21 -cv-00882-YY

ORDER TO PAY ATTORNEY FEES  
UNDER 42 U.S.C. § 406(B)

YOU, Magistrate Judge:

Following my review of Plaintiff's Motion and supporting documentation, and after consideration of Defendant's response:

Plaintiff's Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$30,934.50 under 42 U.S.C. § 406(b). Previously, this Court awarded Plaintiff EAJA fees in the amount of \$25,350.01 to be paid to Plaintiff's attorney, Ms. Meserow, after the satisfaction of Plaintiff's debts under *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). Therefore, when issuing the 406(b) fee check for payment to Plaintiff's counsel, the Commissioner is directed to subtract the \$25,350.01 previously received, and to send Ms. Meserow the remaining balance of \$5,584.49 less any applicable processing fee prescribed by law.

Generally, payment of fees is from the claimant's withheld past-due benefits. However, if the Commissioner has not withheld past-due benefits sufficient to satisfy this order, in the event Plaintiff's attorney reports she is unable to collect the fee from the claimant, the Commissioner will

satisfy this order via the procedures in the Program Operation Manual System (POMS) GN 03920.055.C, in accordance with agency policy.

The § 406(b) check payable to Ms. Meserow should be mailed to Nancy J. Meserow, Law Office of Nancy J. Meserow, 7540 SW 51st Avenue, Portland, OR 97219.

IT IS SO ORDERED.

Dated this 26th day of June, 2024

/s/ Youlee Yim You  
UNITED STATES MAGISTRATE JUDGE, YOULEE YIM YOU